



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

July 1, 2019

Kathryn Garcia
Interim Chair and CEO
New York City Housing Authority
250 Broadway
New York, NY 10007

RE: Alarming Reporting Revealing NYCHA's Year-Long Failure to Inspect Hazardous Playgrounds

Dear Chair Garcia,

Over a year ago, my office issued an extensive audit report that detailed New York City Housing Authority's (NYCHA) failure to perform required inspections and proper maintenance of its 788 playgrounds across 238 NYCHA developments citywide. I am attaching a copy for your convenience, and am excerpting here sections of the report that raise questions that NYCHA has not answered—and may not have asked—to date. Our office found deficient conditions in hundreds of these playgrounds, including hazardous equipment across dozens, and an abject failure by NYCHA to monitor, track, and remedy these dangerous conditions for NYCHA's 400,000 residents, including 100,000 children.

Under NYCHA policy, the agency must maintain each development's playgrounds and other exterior areas, including lawns, trees, parking spaces, paved areas, and fences. To ensure compliance with safety regulations, the agency requires inspection results to be entered into Maximo, NYCHA's electronic system for tracking maintenance and physical repair work.

NYCHA's system—and its failure to follow it—are described in several sections of the report that I include here for your consideration. I respectfully call your attention to NYCHA's Standard Procedure, *Administration of Development Grounds*, which was issued in 2009—eight years before we conducted our audit—and was in effect throughout the audit scope period. A copy is attached. As noted in our report, that procedure provides uniform, detailed instructions for NYCHA staff, which include the purposes for conducting the required monthly inspections of the playgrounds and other grounds areas, and entering the results of those inspections into NYCHA's Maximo system. As the report shows, those procedures were largely ignored, a management failure that NYCHA has yet to acknowledge or explain.

NYCHA's System for Playground Maintenance

Background (audit report pages 4-5):

We conducted this audit to determine whether NYCHA is (1) maintaining the playgrounds in its developments in satisfactory condition; and (2) inspecting them in accordance with its own policies and procedures. Although NYCHA could not provide us with a comprehensive list of its playgrounds, we were able to identify and inspect all 788 playgrounds we observed that NYCHA maintains¹ by visiting 316 developments and ascertaining that 238 of those were equipped with playgrounds.²

Within NYCHA, playground maintenance is primarily the responsibility of each development's grounds-keeping staff, under the overall direction of a development-based Superintendent. In addition, each development's Housing Manager has overall responsibility for all development operations, which include monitoring the performance of the grounds-keeping staff, inspecting the grounds and related facilities on a regular basis, and meeting with the Superintendents and residents to discuss grounds issues.

Each development's grounds staff is supposed to maintain the exterior areas of the development, including lawns, trees, recreation areas, parking areas, paved area and fences. That overall responsibility encompasses the inspection, upkeep, and repair of playgrounds and playground equipment, which may involve contacting the manufacturer for equipment under warranty, or engaging vendors for repairs that cannot be completed by NYCHA's development-based staff. The development's Superintendent is responsible for supervising its grounds-keeping activities, which include reviewing records, logs and surveys, ensuring compliance with safety regulations, and entering grounds inspection results in Maximo, NYCHA's electronic system for managing the maintenance and repair of its physical assets, including playgrounds.³

¹ The New York City Department of Parks and Recreation currently leases and manages 34 additional playgrounds and parks located on NYCHA property; they are not among the 788 covered by this audit and will be discussed in a separate audit report.

² For this audit a playground is defined as an outdoor area provided for children's play, often containing recreation equipment, and includes all areas identified by NYCHA signage as play areas. To identify all 788 playgrounds under NYCHA's jurisdiction, we reviewed NYCHA records that identify all 326 of its developments, eliminated 10 developments (primarily located in Queens) with 138 apartments that NYCHA administers under the Federal Housing Administration (FHA) Acquired Homes program, which do not have playgrounds. We conducted on-site visual inspections of the remaining 316 NYCHA developments.

³ Maximo is an asset and work management software product utilized by NYCHA to increase the effectiveness and efficiency of all work orders and inspections. Maximo is used to create, assign, and track work orders to perform maintenance and repair work requested by residents or initiated by NYCHA staff.

NYCHA's SHGs (Supervising Housing Groundskeepers) who are assigned to every development, are responsible for directly implementing grounds plans, supervising grounds staff, monitoring grounds operations, and performing hands-on grounds-keeping work. Specifically, the SHGs are required to (1) conduct daily inspections of the grounds, including playgrounds; and (2) complete a detailed monthly *Grounds and Playground Inspection Report*, also known as an *Inspection Work Order*, in the Maximo system.

NYCHA's monthly *Grounds and Playground Inspection Report* is a two-page form that delineates 100 specific types of items in 11 categories for inspection, such as trees, shrubs, lawns, paved areas, and sitting areas. The section captioned "Play Area Equipment and Safety" is the largest and most detailed section of the report form and lists 38 types of items for monthly inspection. [Emphasis added.] For each of the 38 items, the inspector must record its condition as good, fair, or unsatisfactory, and add additional information in a space for remarks. Among the items to be inspected and assessed are the metal, wood, safety surfacing, swings, climbers, decks, platforms, bridges, ramps, steps, and various types of slides, and other items in each playground.

NYCHA's Standard Procedure, *Administration of Development Grounds*, provides uniform, detailed instructions for each development's grounds-keeping staff and describes the purposes and procedures for conducting the required monthly inspections of the grounds and entering the results of those inspections into NYCHA's Maximo system.

Apart from the development-based grounds-keeping staff, two NYCHA departments, NGO (the NextGeneration Office) and Property Management, are responsible for overseeing property-management functions at all NYCHA properties. Each of those two departments has Regional Asset Managers to provide comprehensive management of all NYCHA properties under their jurisdiction and to concentrate on the maintenance and upkeep of all buildings, the grounds around the developments, and fiscal administration. [Emphasis added.]

NYCHA Fails to Follow its Written Policy

Findings and Recommendations (audit report, page 7)

In addition to our visual inspections of each of the 788 NYCHA-maintained playgrounds, we made an additional visit to a sample of 25 developments where we had identified deficient and hazardous playground conditions to review the records maintained by the developments related to playground conditions and repairs. We found that almost half of the 25 sampled developments had not prepared or retained mandated monthly inspection reports. In addition, we found that the inspection reports that were available did not always accurately document the conditions we found during our inspections of the playgrounds, as is described in this report.

Further, each inspection report is supposed to be signed by both (1) the NYCHA staff member who performed the inspection; and (2) the Superintendent, or the Housing Manager. However, we found numerous reports that were missing the reviewers' signatures. Further, we found that NYCHA's development staff are not recording the results of their monthly inspections of the grounds and playgrounds in Maximo as required by NYCHA's written procedures, a significant omission that deprives NYCHA of a reliable, current, and readily-available record of the conditions of all of its playgrounds.

Inadequate Playground Inspections (audit report pages 14-15)

NYCHA does not ensure that inspections are scheduled or that the inspection reports are properly completed and maintained. When we compared the conditions we observed at the playgrounds with inspection reports provided by the developments we found that what was documented in the inspection reports did not match the actual conditions of the playgrounds. Our review found that the inspection reports at 9 of the 13 developments that had both playgrounds with hazardous conditions and at least some inspection reports on file did not reflect any such conditions or any other playground-conditions needing repairs. Of the remaining four developments in that group, one reported a hazardous condition that needed repair and three had no inspection reports for June and July 2017, the period we used for comparison purposes.

Upon review, we found that NYCHA has inadequate controls over its inspection process and does not follow its own policies and procedures for inspecting its playgrounds. As a result, NYCHA has no assurance that every NYCHA playground is inspected monthly or that necessary maintenance and repairs are being performed on playground equipment and grounds. Although NYCHA's standard procedure instructs its development staff to use NYCHA's Maximo system to automatically schedule playground inspections every month, the evidence found in this audit shows that NYCHA does not utilize Maximo to schedule such inspections or to record and follow up on the results. [Emphasis added.]

According to NYCHA's Standard Procedure, *Administration of Development Grounds*:

- Inspection reports document conditions, identify problems, serve as a written record of all findings, and ensure that development staff follows up to correct problems and make improvements.
- The Maximo system should schedule inspections of the playgrounds every thirty days.
- Development grounds staff should use handheld devices to record grounds inspection results, which would automatically upload into Maximo, and if a

handheld device is not available, then inspection results should be manually entered into Maximo.

- Work orders are automatically created by Maximo for any deficiencies noted in the inspection. Corrective follow-up work is performed by NYCHA staff or an outside vendor to correct any deficiency noted during an inspection.

However, based on our interviews with senior NYCHA officials and development personnel, we found that, in fact, NYCHA does not use its Maximo system to schedule playground inspections, and inspection results are not uploaded to Maximo as required by NYCHA procedures. [Emphasis added.] Instead, NYCHA officials stated that the staff at each development are required to schedule and conduct monthly inspections and maintain hard copies of inspection reports in the Superintendent's office at the development. Development staff create a work order in Maximo only if a repair is needed.

After learning that the inspection reports are not maintained in Maximo, we conducted a second visit of a sample of 25 developments with hazardous playground conditions to obtain and review copies of the relevant inspection reports. We found that 12 of the 25 developments did not maintain any inspection reports for their grounds and playgrounds. [Emphasis added.] Based on our interviews with development personnel, 10 developments did not keep inspection reports because, their staff members stated, they were unaware that doing so was required, and they only noted issues that they found needed to be repaired in the SHG's logbook. At two developments, according to the staff, the inspection reports reportedly were destroyed when the grounds shops where they were stored experienced flooding.

The remaining 13 developments in our sample maintained 124 (56 percent) of the 221 required inspection reports for the 17-month period of June 2016 through October 2017. However, our review of the inspection reports available found that more than half were not signed, as NYCHA procedures require, by a reviewing official—the development Superintendent or the Housing Manager. Under NYCHA procedures, the review signature should evidence that the inspection report was reviewed and that the inspection was conducted properly. NYCHA's Standard Procedure, *Administration of Development Grounds*, states, "The Superintendent, Housing Manager, and SHG review and sign the Inspection Work Order that is kept on file in the Superintendent's Office."

NYCHA's Oversight of Its Playgrounds Is Insufficient to Provide Reasonable Assurance That Its Policies Are Consistently Followed (audit report page 22)

As evidenced by the conditions we found during our inspections of all 788 NYCHA-managed playgrounds, overall, NYCHA does not ensure that its playgrounds are being properly maintained and inspected. Moreover, although NYCHA has established a detailed, uniform process, with appropriate management

tools to provide for the proper scheduling, performance, review, documentation, and follow-up of playground inspections by its development-based staff, the audit revealed that in practice NYCHA does not follow or enforce its written policy. Further, senior NYCHA officials informed us that NYCHA does not use its Maximo system to schedule playground inspections, and inspection results are not uploaded to Maximo as required. Thus, it appears that NYCHA's senior management was aware that the agency's Maximo asset-management system is not being used in accordance with written NYCHA policy for the ongoing inspection and maintenance of development grounds, including playgrounds. Notwithstanding that awareness, NYCHA has not taken sufficient action to enforce agency policy regarding the role of the Maximo system in playground maintenance or to develop alternative measures to ensure that maintenance issues are otherwise proactively identified and addressed. Further, although in theory centrally- and regionally-based Regional Asset Managers oversee the development-based maintenance activities, their oversight has not been adequate to ensure that NYCHA's playgrounds consistently meet agency standards for appearance and safety. Without sustained, effective management oversight, inspections may or may not be performed and documentation, such as inspection reports, may or may not be created, and those that are created may or may not be accurate. Under such circumstances, in the absence of a practical, consistently-enforced agency policy, there is little evidence to suggest that overall conditions in NYCHA's playgrounds will improve. [Emphasis added.]

Against the above-described backdrop of unexplained management failure, our auditors found a massive breakdown across the system. Our troubling findings included:

- Visibly hazardous conditions, which may have posed imminent danger to children, were found at 72 playgrounds across 52 different NYCHA developments;
- 151 developments had a total of 352 playgrounds with damaged safety surfacing, such as mats and tiles that were loose, missing, warped or otherwise damaged;
- 97 developments had a total of 164 playgrounds with missing, bent, or broken play equipment; and,
- 55 developments had a total of 79 playgrounds with clogged or inadequate water drainage.
- At Riis Houses playground (1115-1141 FDR Drive, Manhattan, NY), our auditors found a broken spiral climber with sharp edges and at Jackson Houses playground (285 East 156th Street, Bronx, NY) our auditors found a broken metal slide with sharp edges. Pictures of both are included below.
- An in-depth review of a sample of 25 developments where our auditors found hazardous playground conditions revealed that NYCHA was keeping bogus playground inspection

reports with inaccurate information and egregious omissions of specific hazards, listing the condition of broken and dangerous equipment as “good.”

These findings were extremely alarming and they demonstrated outright neglect. At the time, NYCHA told our office that it took our findings seriously and that it would immediately begin a full inspection of all 788 playgrounds for which it is responsible to remedy all hazardous conditions. Here’s the problem: this never happened. It was only through reporting by THE CITY that this continuing negligence was uncovered.

It’s no secret there have been systemic management failures at NYCHA, but the failure to do basic inspections to ensure children are safe at NYCHA playgrounds is inexcusable. Needless to say, there is nothing more important that we can do in government than ensure the wellbeing of all of our children. As a father, I am appalled. As Comptroller, my office is demanding immediate accountability. When it comes to the safety of our city’s children, adults simply cannot look the other way.

Today, I am requesting that you provide my office with a clearly delineated plan to complete the inspections that were promised – but never completed – over a year ago and an explanation for NYCHA’s failure to follow its own written policies. Please provide the following information:

- Whether NYCHA’s Standard Procedure, *Administration of Development Grounds*, revised June 16, 2009, remains in effect, and if not, the date it was officially rescinded, superseded, or revised, with supporting documentation for any such change.
- NYCHA’s assessment of the extent to which the abovementioned procedure was followed during the audit scope period (June 1, 2016 through October 31, 2017).
- NYCHA’s explanation for (or, if applicable, disagreement with) what the audit found was broad noncompliance with the abovementioned procedure, apparently with senior management’s knowledge.
- NYCHA’s assessment of what if any action senior management took—in the absence of the required use of the Maximo system—before and after the final audit report was issued (April 4, 2018) to ensure that development grounds, including playgrounds, were being regularly inspected, maintained, and repaired.
- An updated status report on the extent to which NYCHA has implemented the nine enumerated recommendations of our audit.
- In that regard, on March 22, 2018, NYCHA provided a written response to a final draft of our audit report in which it stated, “NYCHA will inspect playgrounds and remedy hazardous conditions within 90 days.” Please provide an accounting of all such inspections performed to date (including but not limited to those performed within the 90-day period following March 22, 2018) with applicable dates and identifying the

specific playgrounds inspected, listing the development and location (street address).

- Please provide your schedule for any additional planned inspections, with dates, development, and street location.
- Please provide an accounting of all deficiencies noted during NYCHA's playground inspections undertaken since the date of its written response to the audit, including but not limited to hazardous and potentially hazardous conditions, and any corrective action taken to date.
- Please provide your current schedule for any additional planned repairs of deficient conditions in the playgrounds, with planned work-completion dates, development, and street location.
- Please describe the steps NYCHA has taken to establish clear accountability at all levels of the organization for the proper inspection, maintenance and repair of its playgrounds, addressing the lack of accountability, monitoring and enforcement described in our audit report.

We as a city are defined by how we support our most vulnerable children. Protecting the health and safety of our kids is our first job – it's what every government official should be laser-focused on, every day. As such, I am requesting that you provide a response to my office no later than close of business Friday, July 12, 2019.

It is urgent that we work together to remedy these potentially dangerous conditions. We cannot permit any delays, especially now as the school year has concluded and more of NYCHA's children and families will seek a safe space to play.

Sincerely,



Scott M. Stringer
New York City Comptroller